



## CITY OF HELENA

### **RECORDS AND INFORMATION MANAGEMENT PROGRAM POLICY**

#### **Statement of Policy**

The City of Helena recognizes that its citizens have a right to expect, and the City has an obligation to foster, efficient and cost-effective government, and the City further recognizes the central importance of city records in the lives of its citizens. The City has a responsibility to its citizens to manage, protect, preserve, and make city records available.

On the 12<sup>th</sup> day of March 2007, the Helena City Commission adopted Ordinance No. 3077 that created a records and information management program for the City, and established the duties and responsibilities within the City structure for the program as described below.

#### **Records and Information Management Program**

1. Purpose
2. Records and information management program established
3. Definitions
4. City records declared public property
5. Public access to records
6. Establishment and duties of records advisory committee
7. Designation of records manager
8. Duties and responsibilities of city manager
9. Duties and responsibilities of department directors
10. Duties and responsibilities of records coordinators
11. Records retention schedules
12. One-time destruction of obsolete records
13. Non-current records not to be maintained in office files
14. Electronic Mail
15. Implementation of records retention schedules; destruction of records under schedules
16. Destruction of unscheduled records
17. Preservation of permanent records
18. Custody of records; removal
19. Recovery of City records

1. **PURPOSE:** The purpose of this policy is to create a records and information management program for the City of Helena and establish the duties and responsibilities of City personnel with respect to City records. This policy provides for efficient, economical, and effective control over the creation, distribution, organization, maintenance, use, and disposition of all City records through a comprehensive system of integrated procedures for the management of records from their creation to their ultimate disposition, consistent with the requirements of state law.

**2. RECORDS AND INFORMATION MANAGEMENT PROGRAM ESTABLISHED:**

A Records and Information Management Program is hereby established for the City of Helena. The City Manager is responsible for directing the program and the Clerk of Commission will coordinate records and information management program operations among the City offices and departments.

The Records and Information Management Program is binding on all offices, departments, divisions, boards, commissions, committees, programs, or similar entities of the City, and records will be created, maintained, and disposed of in accordance with the program.

**3. DEFINITIONS:** The following words, terms, and phrases, when used in this chapter, have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

**Active Records:** Records that are referenced or used on a regular basis that need to be available for immediate access by users

**Administrative Value:** The value attributed to a record series by the creating office in the performance of its assigned operations within the City; the period of time a record may be needed within the organization for administrative or operational purposes.

**Archives:** Those official records that have been determined by the records manager and the records advisory committee to have sufficient historical or other value to warrant their continued preservation by the City.

**City Records:** Any papers, correspondence, forms, books, photographs, microfilm, magnetic tape, computer storage media, maps, drawings, or other documents, including copies required by law to be kept as part of the official record, regardless of physical form or characteristics, that have been made or received by the City to document the transaction of official business, are public writings pursuant to law, and are designated for retention by the Local Government Records Committee, and all other records or documents required by law to be filed with or kept by any department of the City of Helena. This includes electronic mail sent or received in connection with the transaction of official duties. Electronic mail can be brief notes, formal correspondence, substantive narrative documents, and any attachments such as word processing, spreadsheets, and other formats that are transmitted with the message. City Records do **not** include any paper, correspondence, form, book, photograph, microfilm, magnetic tape, computer storage media, map, drawing, or other type of document that is for reference purposes only, or preliminary drafts, telephone message slips, routing slips, any stock of publications or preprinted forms, or any superseded publications.

<b>Department Directors:</b>	Employees who are in charge of City departments that create or receive records.
<b>Fiscal Value:</b>	The value attributed to a record series that documents financial transactions; the period of time a record must be retained for financial reasons or for tax/audit requirements.
<b>Historical Value:</b>	The determination that records possess value in elucidating the history of the City and are thus worthy of permanent preservation as archival materials. Also referred to as archival value.
<b>Inactive Records:</b>	Records that do not need to be immediately available, but must be retained for legal reasons or because users have an infrequent need to access them and they have not yet met the retention period.
<b>Legal Value:</b>	The usefulness of a record in complying with statutes and regulations, as evidence in legal proceedings, or as legal proof of business transactions.
<b>Local Government Records Committee:</b>	The committee provided for by state law, whose duties as implemented by rules adopted by the Secretary of State, will approve, modify, or disapprove proposals for local government records retention and disposition schedules.
<b>Non-records:</b>	Those materials such as reference books, exhibit materials, etc., created or acquired and preserved solely for reference use or exhibition purposes; extra copies of documents preserved only for convenience or reference, and stocks of publications are not included within the definition of City records as used in this chapter.
<b>Permanent Records:</b>	Any records having sufficient historical value to warrant permanent or continued preservation beyond the time they are needed for administrative, legal, or fiscal purposes.
<b>Records Advisory Committee</b>	The committee established by Ordinance No. 3077 to assist the records manager.
<b>Records Coordinators:</b>	Those persons designated in each department by the department directors.
<b>Records Custodian:</b>	Any individual responsible for the proper filing, storage, or safekeeping of any city records.
<b>Records and Information Management:</b>	The application of management techniques to the creation, use, maintenance, retention, preservation, and disposal of records for the

purposes of reducing the costs and improving the efficiency of record keeping. The term includes the development of records retention schedules, the management of filing and information retrieval systems, the protection of vital records, the preservation of permanent records, the economical and space-effective storage of inactive records, control over the creation and distribution of forms, reports, and correspondence, and the management of micrographic, electronic, and other records storage systems. It is the systematic control of the City's records from their creation or receipt to their final preservation or destruction.

**Records Manager:** The Clerk of Commission.

**Records Retention Schedule:** A document prepared by or under the authority of the City Manager, listing the records maintained by the City, their retention periods, and other records disposition information that the records and information management program may require and/or Records Schedules developed by the Local Government Records Committee.

**Record Series:** A group of similar or related records, used or filed as a unit that permits evaluation as a unit for retention scheduling purposes.

**Retention Period:** The period of time during which records must be retained in a certain location or format because they are needed for operational, legal, fiscal, or historical purposes. A retention period may be stated in terms of months or years, and is sometimes expressed as contingent upon the occurrence of an event.

**Vital Record:** Any record of the City required to re-establish or continue the City in the event of a disaster; records containing unique and irreplaceable information necessary to recreate an organization's legal and financial position and preserve the rights of the organization and its employees and citizens. Vital records include records whose informational value to the City is so great, and the consequences of loss are so severe, that special protection is justified in order to reduce the risk of loss.

**4. CITY RECORDS DECLARED PUBLIC PROPERTY:** All municipal records are hereby declared to be the property of the City. No City official or employee has, by virtue of position, any personal or property right to such records even though that person may have developed or compiled them. The unauthorized destruction, removal from files, or use of such records is prohibited. Any custodian of any public records shall, at the expiration of appointment or employment, deliver to a successor, or if there be none, to the Clerk of Commission, all books, writings, letters, documents, public information, or other information, recorded on any medium, or created, kept, or received in the transaction of official business.

**5. PUBLIC ACCESS TO RECORDS:** Public access to all open public records shall be provided as authorized by Montana law and City Resolution #19214 (attached).

**A. Public Records:** (§7-1-4144, MCA)

“(1) Except as provided in subsection (2), all records and other written materials in the possession of a municipality shall be available for inspection and reproduction by any person during normal office hours. The governing body may impose reasonable fees for providing copies of public records.

(2) Personnel records, medical records, and other records that relate to matters in which the right to individual privacy exceeds the merits of public disclosure shall not be available to the public unless the person they concern requests they be made public.

(3) Except as provided by law and as determined by the chief law enforcement administrator, law enforcement records that relate to matters in which the right to individual privacy or law enforcement security exceeds the merits of public disclosure shall not be available to the public.”

**B. Prohibition on distribution or sale of mailing lists:** (§2-6-109, MCA)

“(1) Except as provided in subsections (3) through (9), in order to protect the privacy of those who deal with state and local government: (a) an agency may not distribute or sell for use as a mailing list any list of persons without first securing the permission of those on the list; and (b) a list of persons prepared by the agency may not be used as a mailing list except by the agency or another agency without first securing the permission of those on the list.

(2) As used in this section, “agency” means any board, bureau, commission, department, division, authority, or officer of the state or a local government.

(3) This section does not prevent an individual from compiling a mailing list by examination of original documents or applications that are otherwise open to public inspection.” (NOTE: Sections (4) through (9) apply to records not created by the City.)

**C. Routine Public Information:** Material that is prepared for the public and is made available to them on a regular basis. This is often prepared for promotional or advisory reasons and prepared in mass quantities for general distribution with the intent of mass distribution. Examples: City Charter, City Commission agendas and schedules, brochures, pamphlets, applications, blank bid packets, City Commission contact list, Helena Citizens’ Council contact list, City Commission packets for the media, etc.

**D. Non-Routine Public Information:** Material prepared in the regular course of City business (i.e. regular departmental business records) that the public requests to view or

have copied. These records document regular business transactions by each department and are not prepared for mass distribution. However, they are available to the public. If a department is unsure as to whether the information can be released to the public because of potential privacy concerns, obtain a ruling from the City Attorney's Office.

If a department has received a ruling from the City Attorney's Office regarding a certain type of record created and maintained by the department, the department shall continue to use that directive for that record until notified otherwise.

**E. Drafts:** Due to the nature of change in municipal government, "drafts" often represent work in various stages of completion. Drafts should be marked "DRAFT" and if copies are provided to the requester, the requester should be advised that the document is NOT final and is subject to change.

**F. Exempt Records:** The following records are exempt from public disclosure UNLESS by subpoena or court order OR access is subject to restrictions as cited in parentheses:

(1) Medical records (§7-1-4144, MCA);

(2) Records concerning a current or former employee or applicant for employment that would disclose the individual's home address, home telephone number, social security number, marital status, payroll deductions, insurance coverage, etc.;

(3) Performance evaluations (§7-1-4144, MCA);

(4) Certain donor records, provided donor requests anonymity;

(5) Certain law enforcement records (§7-1-4144, MCA);

(6) Ownership or pledge of public obligations (§17-5-1106, MCA);

(7) Criminal justice records (§44-5-301-44-5-311, MCA); and

(8) Accident reports (§61-7-114, MCA).

**6. ESTABLISHMENT AND DUTIES OF RECORDS ADVISORY COMMITTEE:** A records advisory committee, consisting of a representative from the City Attorney's office, the Clerk of Commission, and the Clerk of City Court, is hereby established. The committee shall:

**A.** Assist the records manager in the development of the records and information management program;

**B.** Review the performance of the program on a biennial basis and propose changes and improvements if needed;

- C. Review and approve records retention schedules submitted by the records manager that have been approved by the Local Government Records Committee;
  - D. Give final approval for the destruction of records in accordance with the approved records retention schedules; and
  - E. Actively support and promote the records and information management program throughout the City.
7. **DESIGNATION OF RECORDS MANAGER:** The Clerk of Commission is designated as the City records manager to administer the records and information management program and be responsible for city-wide file management and the direction and control of the City's records disposition program. The records manager will provide reports regarding the program to the City Manager.

In addition to other duties established by the records and information management program, the records manager shall:

- A. Administer the records and information management program and provide assistance to department directors in its implementation;
- B. Plan, formulate, and prescribe a records disposition policy, system, standards, and procedures;
- C. With cooperation from department directors, prepare, update, and amend retention schedules, identify vital and permanent records, and develop a disaster plan for each City office and department, ensuring maximum availability of the records, reestablishing operations quickly with minimal disruption and expense;
- D. Develop procedures to ensure the permanent preservation of the historically valuable records of the City;
- E. Provide records and information management advice and assistance to all City departments by preparing a records and information management manual containing procedures for City staff to use in implementing the records and information management program and through on-site consultation;
- F. Monitor records retention schedules and administrative rules issued by the State of Montana to determine if the records and information management program and the City's records retention schedules are in compliance with state regulations;
- G. Instruct records coordinators and other personnel in implementation of the records and information management program and their duties under the program;

- H.** Direct records coordinators or other personnel in the conduct of records inventories and in preparation for the development or updating of records retention schedules;
  - I.** Ensure that the maintenance, preservation, destruction, or other disposition of City records is carried out in accordance with the records and information management program and the requirements of state law;
  - J.** Report regularly to the City Manager on the compliance and effectiveness of the program in each City department, and inform the City Manager of any noncompliance by department directors or other City personnel in regard to the records and information management program; and
  - K.** Maintain identity of records destroyed under the approved records retention schedules.
- 8. DUTIES AND RESPONSIBILITIES OF CITY MANAGER:** The City Manager shall ensure that the departments:
  - A.** Cooperate with the records manager in carrying out the policies and procedures established pursuant to this chapter for the efficient and economical management of records and in carrying out the records and information management program;
  - B.** Adequately document the transaction of government business and the services, programs, and duties for which the departments are responsible;
  - C.** Maintain the records in the department's care and carry out the preservation, destruction, or other disposition only in accordance with the records and information management program; and
  - D.** Coordinate the purchase, acquisition, and application of any technology for the creation, use, and disposition of city records with the records advisory committee.
- 9. DUTIES AND RESPONSIBILITIES OF DEPARTMENT DIRECTORS:** In addition to other duties assigned in this chapter, department directors shall:
  - A.** Cooperate with the records manager in carrying out the policies and procedures established by the City for the efficient and economical management of records and in carrying out the requirements of this chapter;
  - B.** Adequately document the transaction of government business and the services, programs, and duties for which the department director and the department staff are responsible;
  - C.** Maintain the records in the department's care and carry out their preservation, destruction, or other disposition only in accordance with the records and information management program of the City and the requirements of this chapter; and

- D. Each department director shall designate a department staff member to serve as records coordinator for the implementation of the records and information management program in the department. If the records manager determines that in the best interests of the records and information management program more than one (1) records coordinator should be designated for a department, the department director shall designate the number of records coordinators specified by the records manager. Persons designated as records coordinators shall be thoroughly familiar with all records created and maintained by the department and shall have full access to all records of the City maintained by the department. In the event of the resignation, retirement, dismissal, or removal of a person designated as a records coordinator, the department director shall promptly designate another person to fill the vacancy.

**10. DUTIES AND RESPONSIBILITIES OF RECORDS COORDINATORS:** In addition to other duties assigned in this chapter, records coordinators shall:

- A. Conduct inventories of the records of the department in preparation for the development or updating of records retention schedules in cooperation with the records manager and the department director;
- B. Coordinate and implement the policies and procedures of the records and information management program in their departments in cooperation with the records manager and the department directors;
- C. Disseminate information to departmental staff concerning the records and information management program in cooperation with the records manager and the department director; and
- D. When necessary, advise the records manager and the department directors of the need for amendments to departmental retention schedules.

**11. RECORDS RETENTION SCHEDULES:** These schedules shall be developed, reviewed, and approved in accordance with the following instructions:

- A. The records manager, in cooperation with department directors and records coordinators, shall prepare records retention schedules on a department by department basis for records not already outlined in the Local Government Records Schedules, listing all records created or received by the department and the retention period for each record. State records retention schedules shall also contain such other information regarding the disposition of City records as the records and information management program may require.
- B. The records retention schedules shall be monitored and amended by the records manager on a regular basis to ensure that they are in compliance with records retention schedules issued by the state and that they continue to reflect the record keeping procedures and

needs of the departments and the records and information management program of the City.

- C. Any records retention schedule or amended schedule for a department must be approved by the department director and the records advisory committee before adoption. New retention periods to be included in records schedules shall be submitted by the department director to the records manager. The records manager shall notify the records advisory committee of the request. The committee will act on the request, and the records manager will notify the department director of the committee's determination.
  - D. Before adoption, records retention schedules must be submitted to and reviewed by the state Local Government Records Committee, as provided by state law. The records manager will submit the records retention schedules to the state Local Government Records Committee for Review.
12. **ONE-TIME DESTRUCTION OF OBSOLETE RECORDS:** Prior to implementation of the Records and Information Management Program, the City may make a one-time destruction under the supervision of the records manager. Prior to such destruction, the records manager shall submit a list of records to be destroyed to the City Manager, Administrative Services Director, and City Attorney, who shall give notice within ten (10) working days of any records they believe should not be destroyed and such records shall be retained for a period suggested by them. If records are identified for retention, they will be listed on the department's retention schedule. The records manager shall also submit notice as required by law to the Local Government Records Committee. The availability of a public record to be destroyed must be noticed to the entities listed at least 180 days prior to disposal. Obsolete records include those records created by the city that are no longer needed for administrative, financial, historic, legal, or other research purposes.
13. **NON-CURRENT RECORDS NEED NOT BE MAINTAINED IN OFFICE FILES:** Records no longer required to support current operations of the City shall be transferred to off-site storage or be destroyed when such action is indicated by an approved records retention schedule. Such records shall not be maintained in active office files or equipment.
14. **ELECTRONIC MAIL:** Electronic mail (e-mail) created or received during the normal course of business may be a record of the City of Helena. E-mail is subject to the same retention requirements as traditional paper or electronic correspondence. E-mail can include brief notes, formal correspondence, or substantive narrative documents, and any other attachments such as word processing, spreadsheets, or other formats that are transmitted with the message. The state Local Government Records Committee has adopted e-mail guidelines as a management tool for the retention of e-mail records. This pamphlet can be found attached to this policy or on the Secretary of State's website at:  
[http://sos.mt.gov/RMB/forms/MT\\_Email\\_Guidelines\\_06.pdf](http://sos.mt.gov/RMB/forms/MT_Email_Guidelines_06.pdf).

**15. IMPLEMENTATION OF RECORDS RETENTION SCHEDULES; DESTRUCTION OF RECORDS:**

- A.** A records retention schedule for a department that has been approved and adopted shall be implemented by department directors and records coordinators according to the policies and procedures of the records and information management program.
- B.** A record whose retention period has expired according to a records retention schedule may be destroyed unless an open records request is pending on the record; the subject matter of the record is pertinent to a pending lawsuit; or the department director makes a written request to the records advisory committee via the records manager that the record be retained for an additional specified period of time and receives the approval of the records advisory committee.
- C.** Prior to the destruction of any record under an approved records retention schedule, authorization for the destruction must be obtained, in writing, by the records manager from the records advisory committee. The City of Helena's records destruction form will be completed by the department and submitted to the records advisory committee for review.

**16. DESTRUCTION OF UNSCHEDULED RECORDS:** A record that has not yet been listed on an approved record retention schedule may be destroyed if the records advisory committee *and* the state Local Government Records Destruction Subcommittee have approved its destruction.

**17. PRESERVATION OF PERMANENT RECORDS:** The records manager and Records Advisory Committee shall develop procedures to insure the permanent preservation of historically valuable records of the City. This shall include providing proper housing (i.e. placing in an approved archive) for such records in a facility and in such manner that the records, unless their use is restricted by law or regulation, are open to the public for research purposes. The records manager will arrange for the transfer of the records to an appropriate facility for perpetual care and preservation, provided a suitable storage facility is readily available, or shall make other arrangements for their permanent preservation not contrary to law or other regulation. In no circumstances shall the ownership of permanent records of the City be transferred to private individuals or institutions.

**18. CUSTODY OF RECORDS; REMOVAL:**

- A.** Active records: The originating department has full custody over records still in active use.
- B.** Inactive records: The originating department is the legal custodian, unless determined otherwise, of its records in storage and shall retain the authority to retrieve and use records deposited in inactive storage.

- C. Archival records: Records transferred to or acquired for the archives shall be under the full custody of the records manager, rather than the department that created or held them immediately prior to being transferred to the archives.
1. Records shall be transferred to the archives upon the recommendation of the records manager, with the approval of the department director of the department that had custody of the records and the approval of the records advisory committee; and
  2. Records may be removed (temporarily or permanently) from the archives, at the request of the records manager or the department director of the department that had custody of the records immediately prior to the transfer of those records to the archives, subject to the approval of the records advisory committee. Prior to the removal of records, they will be offered to the State Archives. Simultaneously, a copy of the request will also be provided to the Lewis & Clark County Historic Preservation Office. If declined by the State Archives, they shall be placed on a destruction form to record their further disposition.
19. **RECOVERY OF CITY RECORDS:** The City Attorney may take steps to recover local government records that have been removed or wrongfully retained from proper custody and may, when necessary, institute actions of records recovery on behalf of the City.



## CITY OF HELENA

### REQUEST FOR DESTRUCTION OF RECORDS

**To:** Clerk of Commission Debbie Havens

**Re:** Authorization for Destruction of Records

Department: \_\_\_\_\_

Division: \_\_\_\_\_

IN ACCORDANCE WITH THE LOCAL GOVERNMENT RECORDS RETENTION SCHEDULES, THE RECORDS LISTED BELOW HAVE PASSED BEYOND THE RETENTION DATE PRESCRIBED BY FEDERAL, STATE, AND LOCAL REGULATIONS, AND CITY POLICY AND, THEREFORE, CAN BE SCHEDULED FOR DESTRUCTION.

By: \_\_\_\_\_  
Department Records Coordinator

Date: \_\_\_\_\_

Name of Records (Record series title or description)	Dates		Volume (quantity)	Retention Schedule		Dispose after (MMDDYY )
	From	To		Ret. Sched. #	Item #	

### Destruction Authorization

I HEREBY CERTIFY THAT I HAVE REVIEWED THE ABOVE LIST OF RECORDS AND HAVE AUTHORIZED THEIR DESTRUCTION. TO THE BEST OF MY KNOWLEDGE, THESE RECORDS ARE NOT SUBJECT TO FURTHER EXAMINATION, PENDING LITIGATION, OR AUDIT, AND DO NOT CONTAIN ENDURING HISTORIC VALUE.

\_\_\_\_\_  
Department Director

\_\_\_\_\_  
Administrative Services Director

\_\_\_\_\_  
Clerk of Commission

\_\_\_\_\_  
City Attorney Representative

\_\_\_\_\_  
Clerk of City Court

\_\_\_\_\_  
Information Technology & Services Director

### **DESTRUCTION CERTIFICATION**

I HEREBY CERTIFY THAT I HAVE DESTROYED THE ABOVE LISTED RECORDS BY  
MEANS OF \_\_\_\_\_  
\_\_\_\_\_

IN THE NORMAL COURSE OF BUSINESS ON THIS\_\_ DAY OF \_\_\_\_\_, 2\_\_.

\_\_\_\_\_  
**Department Records Coordinator**

\_\_\_\_\_  
**Clerk of Commission**

### **Instructions for the Use of the Authorization for Destruction of Records Form**

**General:** These instructions outline the procedures for destruction of records in the City of Helena under the supervision of the Clerk of Commission. These procedures protect the City and its employees by discarding records that have exceeded their useful purpose during the normal course of business and by providing proper documentation to administrators. Disregarding these procedures may violate City ordinance and could affect the City's standing in a particular legal matter.

**Procedure:** The Department Records Coordinator initiates the destruction of records within retention schedule limits set by the Records Retention Schedule by reviewing department records on a regular basis and developing a list of the record copies in the department that are eligible for destruction. Following is sample of how the records should be listed for destruction.

1. List the records series name in this box. You don't need to list the entire contents of the file folder, just the specific records series.
2. List the beginning date of the records.
3. List the ending date of the records
4. Estimate the volume of records in boxes, bytes, linear file inches, or cubic feet.
5. List the number of the retention schedule to which this record series applies.
6. List the item number in the retention schedule to which this record series applies
7. List the proposed destruction date for the records.

Name of Records (Record series title)	Dates		Volume (quantity)	Retention Schedule		Dispose after (MMDDYY)
	From	To		Ret. Sched . #	Item #	
1. Routine Correspondence	2. 1/95	3. 12/97	4. 1 cu. ft.	5. 001	6. 7 (b)	7. 12/31/00

Once this information is complete, forward the Authorization for Destruction Request form to the Clerk of Commission. The Clerk of Commission, the department director, and the Records Advisory Committee will review the request. The Records Advisory Committee shall approve or deny the request. If the request is approved, the Records Advisory Committee will also recommend a destruction method for the records. Once the committee approves the request, the records coordinator may initiate destruction. The Clerk of Commission and the records coordinator shall certify that the records have been destroyed in the normal course of business on the bottom of the form, and the record copy of the form shall be maintained by the Clerk of Commission's office. The Clerk of Commission's office maintains the destruction forms according to the retention schedule, set by the Records Advisory Committee.